

Appl. No. 10/790,418
Docket No. 9562
Amdt. dated March 7, 2007
Reply to Office Action mailed on December 8, 2006
Customer No. 27752

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Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig 2. This sheet, which includes Fig. 1-2, replaces the original sheet including Fig. 1-2. In Figure 2, previously omitted element 13 has been added.

Attachment:

Replacement Sheet

Annotated Sheet Showing Changes

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REMARKS

Claim Status

Claims 1-20 are pending in the present application. No additional claims fee is believed to be due.

Claims 8 is canceled without prejudice.

Claims 4, 15, and 19 have been amended in response to the Examiner's claim objections on page 3, paragraph 4.

Claim 19 was amended to correct for proper dependency.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §103(a) Over Anderson et al. (U.S. 4,681,578) in view of Meyer et al. (U.S. 4,798,603)

Claims 1-4, 7-8, 10, 12-15, 17 and 19 have been rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,681,578 to Anderson et al. in view of U.S. Patent No. 4,798,603 to Meyer et al.

With respect to independent Claims 1 and 18 (from which 19 depends, Applicants respectfully submit that Anderson fails to disclose at least two claim limitations:

- 1) "said topsheet and said backsheet comprise relatively hydrophobic nonwoven material; and
- 2) "said fluid impermeable barrier being disposed within said core outer periphery".

Applicants find no teaching of a relatively hydrophobic nonwoven topsheet in Anderson. The disclosure of Anderson teaches only that the "topsheet 26 may be formed

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by any soft, smooth, compliant, porous material which will be comfortable against human skin and through which vaginal discharges will tend to pass.” (column 4, lines 63-66). In fact, Applicants submit that this description would lead the skilled person to a relatively hydrophilic nonwoven.

Further, the barrier layer of Anderson is taught to be “substantially longitudinally coterminous with (i.e., the same length as) the pantliner” and, therefore, extends outwardly beyond the core outer periphery.

Therefore, to achieve the claimed invention of either Claim 1 or 18, the skilled person looking at Anderson would need to be motivated to modify Anderson to (1) have a relatively hydrophobic topsheet, and (2) make the barrier layer to be disposed within the core outer periphery.

Applicants find no motivation in Anderson to make the required modifications.

Looking to Meyer, Applicants find that Meyer teaches both hydrophobic topsheets (column 4, lines 28-30) and hydrophilic topsheets (column 4, lines 56-57) with no guidance as to why one might be chosen over the other. Therefore, no motivation can be found in Meyer to change the topsheet of Anderson to be relatively hydrophobic nonwoven material.

Moreover, there is no disclosure in Meyer of a barrier layer. Therefore, it is absolutely impossible for Meyer to provide any motivation or prompting to the skilled person to modify the barrier layer of Anderson to achieve the claimed invention.

Accordingly, Applicants respectfully submit that the combination of Anderson and Meyer fails to establish *prima facie* obviousness. Applicants respectfully request that the 35 USC §103 rejection of Claims 1-4, 7-8, 10, 12-15, 17 and 19 be withdrawn.

Rejection Under 35 USC §103(a) Over Anderson et al. (U.S. 4,681,578) in view of Meyer et al. (U.S. 4,798,603) and further in view of Kudo et al. (U.S. 2003/0187417)

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Claims 5, 9 and 11 have been rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,681,578 to Anderson et al. in view of U.S. Patent No. 4,798,603 to Meyer et al and further in view of U.S. 2003/0187417 to Kudo et al.

As shown above, Applicants respectfully submit that the combination of Anderson and Meyer fails to establish *prima facie* obviousness of Claim 1, from which 5, 9, and 11 depend.

Further, the addition of Kudo et al. fails to provide any motivation to modify Anderson to (1) make a relatively hydrophobic topsheet, and (2) make the barrier layer to be disposed within the core outer periphery.

Accordingly, Applicants respectfully submit that the combination of Anderson, Meyer and Kudo et al. fails to establish *prima facie* obviousness. Applicants respectfully request that the 35 USC §103 rejection of Claims 5, 9 and 11 be withdrawn.

Rejection Under 35 USC §103(a) Over Anderson et al. (U.S. 4,681,578) in view of Meyer et al. (U.S. 4,798,603) and further in view of Carstens et al. (U.S. 6,582,411)

Claims 6, 16, 18 and 20 have been rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4,681,578 to Anderson et al. in view of U.S. Patent No. 4,798,603 to Meyer et al and further in view of U.S. Patent No. 6,582,411 to Carstens et al.

As shown above, Applicants respectfully submit that the combination of Anderson and Meyer fails to establish *prima facie* obviousness of Claim 1, from which Claims 6, and 16 depend.

Further, the addition of Carstens et al. fails to provide any motivation to modify Anderson to (1) make a relatively hydrophobic topsheet, and (2) make the barrier layer to be disposed within the core outer periphery.

Accordingly, Applicants respectfully submit that the combination of Anderson, Meyer and Carstens et al. fails to establish *prima facie* obviousness. Applicants respectfully request that the 35 USC §103 rejection of Claims 6 and 16 be withdrawn.

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For the same reason that the combination of Anderson and Meyer failed to establish a *prima facie* obviousness of Claim 1, Applicants respectfully submit that the combination fails to render Claims 18 or 20 obvious. Carstens fails to provide any motivation to modify Anderson to have any of the missing claim limitations, including (1) make a relatively hydrophobic topsheet, and (2) make the barrier layer to be disposed within the core outer periphery.

Accordingly, Applicants respectfully submit that the combination of Anderson, Meyer and Carstens et al. fails to establish *prima facie* obviousness. Applicants respectfully request that the 35 USC §103 rejection of Claims 6, 16, 18 and 20 be withdrawn.

Conclusion


In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC §103(a). Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 1-7 and 9-20 is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Signature

Roddy M. Bullock

Typed or Printed Name

Registration No. 37,290

(513) 634-0870

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